



RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1614

PATENT
Attorney Docket No. 17993

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re Application of:

Mitchell et al.

Application No. 09/424,519

Filed: March 3, 2000

Art Unit: 1614

Examiner: Kwon, B.

For: THE USE OF A NITROXIDE OR A
PRODRUG THEREOF IN THE
PROPHYLACTIC AND
THERAPEUTIC TREATMENT OF
CANCER

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
Box AF
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated May 24, 2001, please consider the following remarks.

REMARKS

The Present Invention

The present invention pertains to a method for the prophylactic and therapeutic treatment of cancer by administering a nitroxide compound or prodrug thereof.

The Pending Claims

Claims 1-3 and 22-27 are currently pending. Claims 1-3 are directed to a method for the prophylactic or therapeutic treatment of cancer in an animal, which method comprises administering to an animal at risk for developing a cancer or having cancer a nitroxide or a prodrug thereof in an amount sufficient to prevent or treat the cancer, wherein the cancer is susceptible to prevention or treatment by the nitroxide or prodrug thereof. Claims 22-27 depend from claims 1-3, and pertain to the methods wherein the cancer results from a genetic defect of a cancer regulatory gene or a tumor suppressor gene.